

REMARKS

Applicant wishes to thank Examiner Rudy Zervigon for the courteous telephone interview extended to their representative Katsu Arai that was conducted on June 6, 2008. This response is consistent with the interview.

Claim 1 has been amended to clarify the subject matter in accordance with the interview. Support can be found in Fig. 3 and related text such as paragraph [0039] on page 8, for example. No new matter has been added. Applicant respectfully requests entry of the amendments and reconsideration of the application.

Rejection of Claims 1, 5-7, 9-11, 22, 24, and 26 Under 35 U.S.C. § 103

Claims 1, 5-7, 9-11, 22, 24, and 26 have been rejected under 35 U.S.C. § 103(a) as being anticipated by Horie et al. (US 5951923).

Claim 1 has been amended to clarify that the evaporation plate has, as a fluid passage, (i) a vaporization surface, (ii) a bottom surface, and (iii) an interior defined between the vaporization surface and the bottom surface. Horie's evaporation plate 111 does not use the interior 122 as a fluid passage, as shown in Figs. 9 and 10. The structures recited in Claim 1 as amended herein are not taught or suggested by Horie et al. in a predictable manner. Thus, Claim 1 as amended herein could not have been obvious over Horie et al.

Claims 5-7, 9-11, 22, 24, and 26 also could not have been obvious over Horie due to their dependencies upon claim 1.

It is respectfully requested that this rejection be withdrawn.

Rejection of Claims 2-4, 8, and 23 Under 35 U.S.C. § 103

Claims 2-4, 8, and 23 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Horie in view of Strang (US 2004/0129217).

Strang does not supply the deficiencies of Horie et al. discussed above in relation to Claim 1. Thus, Claims 2-4, 8, and 23 also could not have been obvious over Horie et al. and Strang, at least due to their dependencies upon Claim 1.

It is respectfully requested that this rejection be withdrawn.

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CONCLUSION

In light of the Applicant's amendments to the claims and the foregoing Remarks, it is respectfully submitted that the present application is in condition for allowance. Should the Examiner have any remaining concerns which might prevent the prompt allowance of the application, the Examiner is respectfully invited to contact the undersigned at the telephone number appearing below.

No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, the Applicants are not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. The Applicants reserve the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that the Applicants have made any disclaimers or disavowals of any subject matter supported by the present application.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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